



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

STEVEN EDWARD MEDOWS,
Plaintiff,

vs.

THE CITY OF CAYCE and
NFN KENLEY, Detective with the Cayce
Police Department,
Defendants.

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CIVIL ACTION NO. 3:07-409-HFF-BHH

ORDER

This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion for summary judgment be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 28, 2008, and the Clerk of Court entered Plaintiff's objections to the Report on March 14, 2008. The Clerk of Court entered a second objection memorandum on May 14, 2008. This Court has reviewed Plaintiff's objections, but finds them to be without merit. As stated by the Magistrate Judge, Plaintiff fails to satisfy the elements of false arrest and malicious prosecution. Because Plaintiff's federal claims are dismissed, the Court declines to exercise jurisdiction over any state law claims Plaintiff may have against Defendants.

After a thorough review of the Report, the objections thereto, and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment be **GRANTED**. Plaintiff's motion for summary judgment is deemed **MOOT**.

IT IS SO ORDERED.

Signed this 24th day of June, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within 30 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.